

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayner
Marshall Johnson
Ken Nickolai
Phyllis A. Reha

Chair
Commissioner
Commissioner
Commissioner

In the Matter of the Petition of RCC Minnesota,
Inc. and Wireless Alliance, LLC for
Designation as an Eligible Telecommunications
Carrier (ETC) Under 47 U.S.C. § 214(e)(2)

ISSUE DATE: July 28, 2004

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ORDER AMENDING JULY 31, 2003 ORDER

PROCEDURAL HISTORY

On September 10, 2002, RCC Minnesota, Inc. and Wireless Alliance, LLC, together as the affiliates of Rural Cellular Corporation providing service in Minnesota (collectively RCC) submitted a Petition for Designation as an Eligible Telecommunications Carrier (ETC).¹ RCC requested that the Commission designate it as eligible to receive all available support from the federal Universal Service Fund, including support for rural, insular and high-cost areas and low income customers.

On July 31, 2003, the Commission issued its ORDER GRANTING CONDITIONAL APPROVAL AND REQUIRING ADDITIONAL FILINGS. Among other things, the Order approved RCC's request to redefine the service areas of the rural incumbent local exchange carriers in the territory in which it operates to conform to its licensed service area. In the Order, the Commission stated that the Commission would petition the Federal Communications Commission (FCC) to disaggregate, for ETC purposes, the incumbents' service areas as requested by RCC.

On July 22, 2004, the Commission reconsidered the matter of the filing of the petition with the FCC.

FINDINGS AND CONCLUSIONS

I. Background

In its July 31, 2003 Order the Commission granted RCC's request for ETC designation for 1) the non-rural local exchange carrier exchanges within RCC's service area; 2) the rural study areas that RCC serves in their entirety; and 3) the rural study areas RCC does not serve in their entirety.

¹ Pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214 (e)(2) and Section 54.201 of Federal Communications Commission's (FCC) rules, 47 C.F.R. § 54.201.

RCC proposed that these latter areas be redefined so that each wire center is a separate service area and RCC's service area be defined consistent with those wire centers. When RCC serves only a part of a wire center, RCC's service area would be the portion of the wire center which it serves. It sought disaggregation below the exchange level in five exchanges.

II. Filing Required

The Federal Telecommunications Act of 1996² requires that a service area redefinition needs concurrence by both the FCC and the State Commission.

The Commission's July 31, 2003 Order stated that the Commission would petition the FCC to disaggregate, for ETC purposes, the incumbents' service areas as requested by RCC. However, since the Commission's Order, RCC has indicated its willingness and desire to file the petition for service area redefinition directly with the FCC.

III. Commission Action

The Commission finds that RCC is in a better position than the Commission to present and support its service area request to the FCC. Any questions that the FCC may raise are most appropriately answered by RCC. For this reason the Commission will modify its July 31, 2003 Order to allow RCC to file its service area redefinition petition directly with the FCC.

ORDER

1. The July 31, 2003 ORDER GRANTING CONDITIONAL APPROVAL AND REQUIRING ADDITIONAL FILINGS is hereby amended to allow RCC to file its service area redefinition petition directly with the FCC.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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² 47 U.S.C. § 214(e)(5).